

RESOLUTION 2009-020

ADOPT SPONSORSHIP AND COMMERCIAL ADVERTISING POLICIES TO ASSIST IN GENERATING REVENUE FOR THE CITY OF TRACY

WHEREAS, The City provides services and programs to citizens who are not always able to pay a full cost recovering fee for the service or activity; and

WHEREAS, Sponsorships for community projects, programs and facilities have become much more commonplace in the recreation and government arena; and

WHEREAS, The City has a wide variety of programs and existing facilities as well as projected programs and facilities that may be ideal candidates for alternate fund development; and

WHEREAS, The City is in the process of completing professional master plans for future City of Tracy facilities.

NOW, THEREFORE BE IT RESOLVED, That the City Council hereby adopts the following policies:

1. For-Profit-Business Sponsorship Policy, attached hereto as Exhibit "A";
2. For-Profit-Business Naming Rights Policy, attached hereto as Exhibit "B";
3. Presentation Sponsorships Policy, attached hereto as Exhibit "C"; and
4. Commercial Advertising Sales Policy, attached hereto as Exhibit "D".

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The foregoing Resolution 2009-020 was adopted by the Tracy City Council on the 3rd day of February, 2009, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, MACIEL, TUCKER,

NOES: COUNCIL MEMBERS: TOLBERT

ABSENT: COUNCIL MEMBERS: IVES

ABSTAIN: COUNCIL MEMBERS: NONE

  
\_\_\_\_\_  
Mayor Pro Tem

ATTEST:

  
\_\_\_\_\_  
City Clerk

## EXHIBIT "A"

### FOR-PROFIT-BUSINESS SPONSORSHIP POLICY

1. Program and Event sponsorships provide an opportunity for the for-profit-business community to support the efforts of the City while providing broad-based marketing opportunities for both the City and the sponsor, along with the potential to grow the sponsor's business.
2. Sponsorships shall range from donated product to in-kind services, to money to offset operating costs.
3. Sponsors shall be provided an opportunity for employees to volunteer at an event or program as appropriate.
4. Sponsors shall be recognized as businesses that support the wants and needs of the community and that are investing in Tracy.
5. Sponsorship levels vary from event to event and program type depending on the kinds of exposure a sponsor will receive for its sponsorship.
6. The sponsorship dollar amount varies, determined by the total expense of the event or program and availability of suitable sponsors.
7. Staff shall identify what sponsors can realistically offer and, with Council approval, how the acknowledgement of the sponsors will be allocated based on level of involvement. The benefits to sponsors are both tangible (e.g. media, brochure, signage, tickets, marketing materials, display tables) and intangible (e.g. prestige of opportunity, targeted demographics, recognition, exclusivity).
8. Staff shall make recommendations to Council as to the appropriateness of a sponsor for the program and whether the sponsor would add value.
9. Formal written agreements shall be required between the sponsor and the City, shall be authorized at the sole discretion of the City Council and be signed by the City and the sponsor outlining the terms of the sponsorship. City Council, at its sole discretion, shall determine whether the proposed sponsor is clearly inconsistent with the City's goals with respect to the sponsored facility or activity, or would otherwise interfere with the primary purpose of the subject facility or program, and may choose not to enter into a contract for that facility or program with that particular prospective sponsor.

## **EXHIBIT "B"**

### **FOR-PROFIT-BUSINESS NAMING RIGHTS POLICY**

1. Many City-owned and operated facilities have historic names attached for a variety of reasons. Many of the City's facilities were named for community members, residents and organizations that have made significant contributions to the community. In these cases, For-Profit-Business Naming Rights will not be sold.
2. City Council, at its sole option and in its sole discretion, may choose to use either the Policy for Naming Public Buildings, Parks, and Facilities adopted pursuant to Resolution No. 2004-096 or this For-Profit-Business Naming Rights Policy when naming public buildings, parks and facilities.
3. Pursuant to written agreement authorized by City Council, For-Profit-Business Naming Rights may be sold whereby a business pays an annual fee, for a set period of time to place its name on a building or facility (e.g., Pac Bell Park, 3Com Stadium).
4. The facility will generate extra revenue and the sponsor will create additional name awareness and ideally more purchasers of its products or services.
5. Other exclusive rights can go with For-Profit-Business Naming Rights. For example, a bank with corporate naming rights to a facility may be able to set up an ATM in the facility or be provided a certain number of free uses at that facility each year.
6. Naming rights contracts and payment amounts shall vary based on size, demographics and interest expressed. Council approval shall be required for all For-Profit-Business Naming Rights contracts. City Council, at its sole discretion, shall determine whether the proposed name is clearly inconsistent with the City's goals with respect to the subject facility, or would otherwise interfere with the primary purpose of the subject facility, and may choose not to enter into a Naming Rights contract for that facility with that particular prospective For-Profit-Business.
7. Generically named facilities, such as the Tracy Community Center or new facilities that have yet to be named, are best suited for a For-Profit-Business Naming Rights program.

## EXHIBIT "C"

### PRESENTATION SPONSORSHIPS POLICY

1. Presentation Sponsorships provide "short-term" recognition of a smaller facility or program via a presentation sponsorship. Presentation Sponsorships shall require a written agreement authorized by the City Council. City Council, at its sole discretion, shall determine whether the proposed sponsor is clearly inconsistent with the City's goals with respect to the sponsored facility or activity, or would otherwise interfere with the primary purpose of the sponsored facility or activity, and may choose not to enter into a contract for that facility or program with that particular prospective sponsor.
2. The revenue generated from the sale of Presentation Sponsorships shall be used for operation and program costs.
3. Presentation Sponsorships are typically smaller and priced lower than For-Profit-Business Naming rights for a larger building or facility and, as such, are appropriate for local businesses, individuals and organizations.
4. Hypothetical examples of Presentation Sponsorships are:

***Dr. Powers Park Tennis Courts  
Presented by XYZ Fitness Company***

***Summer Concert Series  
Presented by ABC Mart***

## EXHIBIT "D"

### COMMERCIAL ADVERTISING SALES POLICY

#### A. PURPOSE

The City of Tracy, acting in its proprietary capacity and not as a regulator, recognizes that opportunities exist to raise revenues to be used for public benefit through the sale of commercial advertising in City of Tracy publications, performance tickets, brochures, on suitable City-owned facilities, or for League or team sponsorships. The City adopts these rules to govern advertising sales for the purpose of generating additional revenue to support City facilities, programs and services.

The purposes of this policy are as follows:

1. To define the types of commercial advertising the City will sell space for in City publications, tickets and brochures, at suitable City-owned properties facilities, or on league or team uniforms.
2. To ensure that standards for acceptance or rejection of such advertising are clear and objective.
3. To maintain the City's reputation and public image by avoiding advertising that is offensive or controversial.
4. To ensure consistency in decisions to accept or decline advertising requests.
5. To maximize revenue.

The sale of advertising space does not imply any City endorsement of the product or service advertised.

In adopting this policy, the City of Tracy is acting in its proprietary capacity to raise revenues for the City of Tracy, in a manner consistent with City policies.

By selling advertising, the City is not creating a public forum or a limited public forum for speech.

#### B. PROCEDURE

1. The City Council shall establish commercial advertising rates, which may include requirements for minimum amounts of advertising that must be purchased by an advertiser before an advertisement is accepted. In establishing such rates, the City shall be guided by, but need not adhere to, prevailing market rates for other, similar advertising.
2. No advertising will be accepted if that advertisement or the information contained within it falls within one of the categories listed below in Section C, Limitations Upon Advertisements.
3. The City Manager shall appoint three employees to serve on the advertising standards committee on an annual basis.
4. The advertising standards committee shall review each advertisement submitted for display in City publications to determine whether the proposed advertisement falls within, or may fall within, one or more categories set forth in Section C, Limitations Upon Advertisements.
5. If the advertising standards committee determines that an advertisement falls within, or may fall within, one or more of the categories set forth in Section C, it will promptly provide the advertiser with a copy of these standards and written notice of its

determination, the reason for the determination, and the advertiser's right to request a prompt review before the City Manager or designee.

6. Upon written request of the advertiser, the City Manager or designee shall conduct a review within fourteen days of receipt of written request, to determine whether the advertisement at issue falls within one or more of the categories set forth in Section C. Within five business days of the review conducted by the advertising standards committee, it shall mail, via regular United States Mail, the advertiser written notice of its determination. The City Manager's, or designee's, determination shall be final.

### **C. LIMITATIONS UPON ADVERTISEMENTS**

Advertising in City of Tracy publications, at events or programs, or on tickets, facilities, or shirts may not contain material or information that:

1. Is false, misleading or deceptive;
2. Is libelous;
3. Promotes unlawful or illegal goods, services or activities;
4. Implies or declares an endorsement by the City of Tracy of any goods, services or activities;
5. Contains any obscenity, or sexual conduct of any kind (obscenity is defined as any communication, picture, image, graphic image, or other matter that the average Tracy citizen, applying contemporary standards, would find, taking the material as a whole, appeals to prurient interest and whether it depicts or describes, in a patently offensive way, sexual conduct);
6. Promotes the sale or use of tobacco or tobacco-related products;
7. Supports or opposes a political candidate, issue or cause; and or
8. Supports or opposes a religion or religious denomination, creed, tenet or belief, including information or material that supports or opposes atheism or agnosticism.
9. Does not specifically offer a commercial product or service for sale.
10. Is, as determined in the sole discretion of the City Manager, clearly inconsistent with the City's goals with respect to the facility, activity, program, publication or brochure at or in which the advertising would appear, or if the City Manager, in his or her sole discretion, determines that the advertisement would otherwise interfere with the primary purpose of the subject facility or program.

Advertising in City of Tracy publications, at events or programs, or on tickets, facilities, or shirts may not conflict with any City policy or procedure.

### **D. RESPONSIBILITIES OF THE ADVERTISER**

Advertisers must meet the following requirements before the City of Tracy will sell advertising space to them:

1. Enter into appropriate legal contracts with the City of Tracy.
2. Adhere to visual identity guidelines as provided by the City of Tracy.
3. Provide electronic versions of all advertising materials, and proofs, as necessary, to meet the City's print schedule, at no cost to the City.
4. Adhere to all other City policies, Municipal Codes, and procedures as well as state and federal law.